

**AMENDED
APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office MAY 15 2003
 Returned to applicant for correction JUN 16 2003
 Corrected application filed MAY 27 2003
 Map filed JUL 21 2003

The applicant **Lynn R. & Penny K. Forsberg** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Waste Water from irrigation under Proof 00401 of the Edwards Decree**
2. The amount of water applied for is **0.50 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet **0.60 acre-feet**
3. The water to be used for **Fire Protection**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T.33 N., R. 58 E., M.D.B. & M., at a point from which the SW corner of said Section 19 bears S 03° 26' 55" W, 702.17 feet. From the ditch. Proof 00401 point of diversion is within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31, T33N, R58E, MDB&M, as decreed-no surveying tie. Use Decree Map 00401**
6. Place of Use **A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 33 N., R. 58E., M.D.B. & M., being Parcel No.'s 2 and 3 as shown on a parcel map for Hog Tommy Hills, LLC, on file in the office of the Elko County Recorder, Elko, Nevada, as File no. 479676.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Headworks with transmission ditch to storage pond.**
9. Estimated cost of works **\$20,000**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **5 years**
12. Remarks: **The waters under this application will be used to fill and also to compensate for evaporation for a storage pond used for emergency fire protection. The pond will be drained for cleaning and refilled once per year. The annual consumptive use will be 195,511 gallons (0.60 acre-feet) per year.**

High Desert Engineering
 By s/Robert E. Morley
 Robert E. Morley
 640 Idaho Street
 Elko, Nevada 89801

Compared hmw/cmf

Protested 07-02-2003 by Pershing County Water Conservation District; 10/14/03 by Joseph M. Presti et. al.;

DENIAL OF STATE ENGINEER

The protest to this application is upheld and the application is hereby denied on the grounds that no water is available for appropriation, the source of water is not subject to appropriation under the statutory procedure for appropriating water, and the approval of said application would conflict with existing decreed water rights and threaten to prove detrimental to the public interest. No ruling is made on the merits of the other grounds of the protest.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have herunto set

my hand and the seal of my office,

this 1st day of December, A.D. 2004.

State Engineer